

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
MISCELLANEOUS PETITION NO.288 OF 2022**

Kharodia Musa Noor Mohammed alias
Musa Noor Muhammad Kharodiya alias
Musa Noor Mohammed Kharodia ... Deceased

Qamrunnisa Musa Kharodia ... Petitioner

Ms. Shirin Irani i/by Roshanara Baig for the Petitioner.

CORAM : ARIF S. DOCTOR, J.

DATE : 02ND JANUARY 2023

P.C. :

1. The Petitioner seeks the grant of a Legal Heirship Certificate under the provisions of Section 2 of the Bombay Regulation VIII of 1827 in respect of one Kharodia Musa Noor Mohammed alias Musa Noor Muhammad Kharodiya alias Musa Noor Mohammed Kharodia ('the deceased'), who died in Mumbai on 11/08/2011. A copy of the death certificate is annexed to the Miscellaneous Petition.

2. The present Miscellaneous Petition sets out that the deceased left behind him the following persons as his only legal heirs and next of kin according to the Muslim Personal Law (Shariat) Application Act, 1937 :-

Sr. No.	Name and Address of the Legal Heirs of the deceased	Age	Relationship with deceased
1.	Qamrunnisa Musa Kharodia Residing at Flat No.B-201, Al Akbar Building, Momin Bagar, Patel Estate Road, Jogeshwari West, Mumbai – 400102.	55 years	Widow of the deceased and the Petitioner herein.
2.	Barirah Ibrahim Malpara Residing at B-304, Raj Nagar CHS., S. V. Road, Jogeshwari West, Mumbai-400102.	36 years	Married Daughter of the deceased
3.	Ubaidullah Musa Kharodia Residing at Flat No.C/702, Royal Garden CHS Ltd., Opp. Bharat Petrol Pump, S. V. Road, Jogeshwari West, Mumbai-400102.	34 years	Son of the deceased
4.	Abdul Wahid Musa Kharodia Residing at Flat No.C/702, Royal Garden CHS Ltd., Opp. Bharat Petrol Pump, S. V. Road, Jogeshwari West, Mumbai-400102.	32 years	Son of the deceased
5.	Noaman Musa Kharodia Residing at Flat No.C/702, Royal Garden CHS Ltd., Opp. Bharat Petrol Pump, S. V. Road, Jogeshwari West, Mumbai-400102.	30 years	Son of the deceased
6.	Zainabe Owais Kharodia Residing at Flat No.B/502, Royal Garden CHS Ltd., Opp. Bharat Petrol Pump, S. V. Road, Jogeshwari West, Mumbai-400102.	26 years	Daughter of the deceased

3. The Miscellaneous Petition sets out that the Legal Heirship Certificate is required to transfer the properties of the deceased to the name of the Petitioner. The consent affidavits of all the legal heirs are annexed to the Miscellaneous Petition.

4. No other Petition for Legal Heirship Certificate, Succession Certificate, Probate or Letters of Administration with or without Will annexed has been filed. Therefore, there is no impediment in law to the grant of relief.

5. I have perused the present Miscellaneous Petition and heard the learned Counsel appearing on behalf of the Petitioner. I am satisfied that the Miscellaneous Petition deserves to be allowed.

6. The present Miscellaneous Petition is therefore allowed in terms of prayer clauses (a) and (b) which read as under :-

“a) That a Legal Heirship Certificate be issued under the provisions of the Bombay Regulation Act VIII of 1827, Certifying that 1) Qamrunnisa Musa Kharodia (Widow of the deceased and the Petitioner abovenamed), 2) Barirah Ibrahim Malpara (Married Daughter of the deceased), 3) Ubaidullah Musa Kharodia (Son of the deceased), 4) Noaman Musa Kharodia (Son of the deceased), 5) Abdul Wahid Musa Kharodia (Son of the deceased), and 6)

Zainaba Owais Kharodia (Daughter of the deceased) are the only heirs and Legal representatives of the deceased.

b) That issuance of Proclamation be dispensed with.”

7. The Registry shall issue the Legal Heirship Certificate in the standard format prescribed for the same.

8. The Miscellaneous Petition is accordingly disposed of. There shall be no order as to costs.

(ARIF S. DOCTOR, J.)